

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-1337**

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SHIRLEY S. MCKINNEY,

Plaintiff - Appellant,

versus

GREENVILLE COUNTY SCHOOL DISTRICT,

Defendant - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (CA-96-2202-6-20AK)

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Submitted: May 28, 1998

Decided: June 10, 1998

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Before ERVIN, LUTTIG, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Shirley S. McKinney, Appellant Pro Se. Edwin Brown Parkinson, Jr., Hamlet Sam Mabry III, HAYNSWORTH, MARION, MCKAY & GUERARD, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Shirley S. McKinney filed an untimely notice of appeal. We dismiss for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Parties to civil actions have thirty days within which to file in the district court notices of appeal from judgments or final orders. See Fed. R. App. P. 4(a)(1). The only exceptions to the appeal period are when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order on December 19, 1997; McKinney's notice of appeal was filed on March 4, 1998, which is beyond the thirty-day appeal period. McKinney's failure to note a timely appeal or obtain an extension of the appeal period leaves this court without jurisdiction to consider the merits of McKinney's appeal. We therefore dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED